

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 712/99

New Delhi this the 28th day of July, 99.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

Samay Singh,
S/o Shri Heram Singh,
JTO, R/o 115-A, LIG Flat,
Pocket E, GTB Enclave,
Delhi-93.

..... Applicant.

(By Advocate; None.)

Versus

1. Secretary (Communication)
Department of Telecom,
Sanchar Bhawan,
New Delhi-1.

2. The General Manager (East),
10, Darya Ganj, MTNL,
New Delhi-2.

3. The Dy. General Manager (C&A),
East MTNL, 10, Darya Ganj,
New Delhi-2

..... Respondents

(By Advocate: Shri N.C. Sikti, Sr.
Counsel with Shri V.K. Rao)

ORDER (Oral)

By Reddy J. -

The applicant was convicted by the criminal court and he was sentenced for a period of 1½ years and fine of Rs. 3,000/-, in default of payment of fine. The respondents proposed to award an appropriate penalty under Rule 19 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, taking into account the conviction and punishment awarded to the applicant. The applicant is stated to have filed an

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appeal against the said judgment before the Delhi High Court and the Delhi High Court by an order dated 26.2.99 granted bail. The appeal is pending before the High Court. It is, therefore, urged that no further proceedings should be initiated against the applicant since the applicant was granted bail by the Delhi High Court.

2. It is true that the applicant filed an appeal against the order of conviction and punishment but High Court granted only bail to the applicant. The judgment itself was not suspended by the High Court, unless the judgment is suspended it cannot be said that the proceedings could not be taken against him.

3. In JT 1997 (7) SC 645 Union of India Vs. Shri Ramesh Kumar, the Supreme Court has held that suspension of execution of sentence by the High Court and granting of bail would not preclude the authority from taking action under the judgment. Again in (1997) 9 SCC 523 S. Vasundara Vs. Canara Bank and Others, it was stated that suspension of sentence and grant of bail by the appellate court, the conviction would not be obliterated. Since it is not stated that the judgment was not suspended and conviction was quashed, the respondents are not precluded from proceeding against the applicant departmentally as per law. The O.A. is, therefore, devoid of merit and accordingly dismissed, at the admission stage.

Pleasay —
(R.K. AHDOOJA)
MEMBER (A)

Individually
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN (J)

cc.